

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In Re:

Holllis Broomes And Dolores Broomes

Social Security No. xxx-xx-7222 and xxx-xx-9779
Address: 508 Maymount Drive, , Durham, NC 27703-

Case No. 10-81327
Chapter 13

Debtors

OBJECTION TO CLAIM

NOW COME the Debtors above-named, through counsel, pursuant to 11 U.S.C. §502 and Bankruptcy Rule 3007, who respectfully object to the proof of claim filed by the creditor WELLS FARGO HOME MORTGAGE and dated August 16, 2010, for the following reasons:

The Debtors believe the “pre-petition” arrearage claim in the amount of \$24,857.29 is overstated.

Because the Debtors contest the amount of the pre-petition arrearage claimed by said creditor in its Proof of Claim filed in this case, pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 9014 of the Federal Rules of Bankruptcy Procedure, the Debtors are, by separate document attached herewith, requesting production from said creditor of a payment history and related information.

WHEREFORE, the Debtors pray that the Court enter an Order reducing the pre-petition arrearage claim accordingly . Furthermore, in the event that said creditor contests this objection by filing a formal response thereto, the Debtors request that, until such time as the aforementioned payment history is provided, the Court treat any hearing upon this Objection as preliminary, in accordance with the power vested in this Court pursuant to 11 U.S.C. 105(a).

Dated: October 8, 2010

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s Edward Boltz
Edward Boltz
N.C. State Bar No. 23003
6616-203 Six Forks Road
Raleigh, N.C. 27615
(919) 847-9750

claimomd.wpt (rev. September 2, 2009)

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CERTIFICATE OF SERVICE

I, Renee Nolte, certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age and that on October 8, 2010. I served copies of the foregoing OBJECTION TO CLAIM electronically or, when unable, by regular first-class U.S. mail, addressed to the following parties:

WELLS FARGO HOME MORTGAGE
Attn: Managing Agent
Bankruptcy Department Macx7801-014
3476 Stateview Boulevard
Fort Mill, SC 29715-

U.S. Bankruptcy Administrator

Richard M. Hutson, II
Chapter 13 Trustee

/s Renee Nolte
Renee Nolte